section 27 of the Vehicles (Excise) Act, 1949, reads as follows:—

" 'goods vehicle' means a mechanically propelled vehicle (including a tricycle weighing more than eight hundredweight unladen) constructed or adapted for use and used for the conveyance of goods or burden of any description, whether in the course of trade or otherwise."

Our definition reads —

" 'goods vehicle' means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted."

The first essential difference is that, in our definition, a "goods vehicle" includes a trailer so contructed or adapted, whereas in England, in the case in question, it did not. The trailer in our case was also licensed as a goods vehicle. Why the drawing vehicle should also be so licensed, if it is not so constructed or adapted, I do not know.

Secondly, the additional words "and used for the conveyance of goods" which appear in the English provision are missing in ours.

In the absence of words such as these I am unable to conclude that the motor vehicle No. JB. 9003 was a goods vehicle within our definition. If the definition had read "adapted for use and used for the conveyance of goods" the position would have been otherwise. Lord Goddard C.J. in the English case had to deal with such a situation where, on the facts, it was found that the vehicle had been constructed for the carriage of goods and was, in fact, being used for the conveyance of goods. Here the vehicle was not so constructed. Nor was it adapted for such use any more than a tug towing a cargo boat can be said to be adapted for use for the carriage of cargo. There would be nothing to prevent its being used for towing a passenger liner. "Adapted" means "fitted, made suitable, altered so as to be fit for". It does not mean "adaptable".

I therefore allowed the appeal. The conviction was quashed and the fine, if paid, was ordered to be refunded.

Appeal allowed.

Solicitors: *Goh Bin Lay & Co.*

MOHAMED ALI & ANOR. v. PUBLIC PROSECUTOR

[A.Cr.J. (Ong J.) December 22, 1964]

[K.L. — Criminal Appeal No. 87 of 1964]

Criminal Procedure — Accomplice evidence — Need for corroboration — No independent testimony — Conviction on evidence of self-confessed thieves — Criminal Procedure Code (Cap.6), s. 173(f).

Penal Code, s. 379 — Theft — Evidence of self-confessed thieves against co-accused — Need for corroboration.

Evidence — Accomplice evidence — Need for corroboration by independent testimony.

It has long been a salutary practice having the force of a rule of law that the evidence of an accomplice must be corroborated by independent testimony not only that the crime had been committed but also that the accused person committed it.

Although the appellants participated in the theft the only evidence connecting them with the alleged offence was the uncorroborated evidence of two self-confessed thieves. Therefore their conviction cannot under any circumstances be upheld.

Case referred to:—

(1) *R.* v. *Baskerville* [1916] 2 K.B. 653.

MAGISTRATE'S CRIMINAL APPEAL.

Dato' R. P. S. Rajasooria for the appellants.

Idris Yusoff (Deputy Public Prosecutor) for the respondent.

Ong J.: The appellants were charged, together with four others, for theft of copper-wire belonging to Petaling Tin Dredging Ltd., in contravention of section 379 of the Penal Code. The four other accused pleaded guilty before the magistrate, Kuala Lumpur, on December 30, 1963, and were thereupon convicted and sentenced each to three months' imprisonment. The appellants, who claimed trial, were subsequently convicted in the magistrate's court on April 22, 1964, and sentenced to similar terms of imprisonment. They now appeal against their conviction and sentence.

The only evidence connecting them with the alleged offence was that of two of the self-confessed thieves. There was, however, not an iota of independent testimony to corroborate the evidence of these two accomplices. It has long been a salutary practice, having the force of a rule of law, that the evidence of an accomplice must be corroborated by independent testimony not only that the crime has been committed but also that the accused person committed it: see *R.* v. *Baskerville.*(1) Although I am as satisfied as was the learned magistrate that these appellants did participate in the theft, I am equally satisfied that in law their conviction cannot under any circumstances be upheld because, under section 173(f) of the Criminal Procedure Code, the learned magistrate should have acquitted them at the close of the case for the prosecution.

I accordingly allow this appeal and set aside their conviction and sentence.

Appeal allowed.